

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*

Case No. 1:18-OP-45090

*The County of Cuyahoga v. Purdue Pharma
L.P., et al.*

Case No. 17-OP-45004

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**EXHIBIT A
SUMMARY SHEET FOR DEFENDANTS'
MOTION TO EXCLUDE DAVID CUTLER'S
OPINIONS AND PROPOSED TESTIMONY**

Defendants move to exclude Professor David Cutler from offering testimony regarding causation and damages. Cutler purports to “estimate” the harms caused by Defendants’ marketing and distribution of prescription opioids in the Track One Counties. Cutler’s opinions do not fit the issues of this case, are conceptually flawed, irrelevant, and unhelpful to the trier of fact. They should be excluded for four independent reasons. First, he fails to distinguish between harms allegedly caused by prescription opioids and harms caused by illegal opioids. And because he conducts only national-level regressions of aggregate shipments and mortality associated with *all* illegal and prescription opioids alike, he fails to link any Defendant’s alleged misconduct to any harms in the Track One Counties. Second, the lynchpin by which Cutler seeks to tie his flawed “average shipment” estimate to alleged Defendant misconduct is either (a) unsupported assumptions provided to him by Plaintiffs’ counsel (in the case of Defendant distributors and pharmacies), or (b) estimates from Professor Meredith Rosenthal which are flawed for all the reasons discussed in the Rosenthal *Daubert* motion, and in any event, cannot link the shipments and mortality Cutler analyzed to the alleged misconduct (in the case of Defendant manufacturers). Third, Cutler’s opinions impermissibly aggregate the conduct of all manufacturers, distributors, and pharmacies, (*including non-defendants*). Finally, his models contain incurable methodological failures that render his opinions unreliable.